

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 21, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JANE DOE,

Plaintiff,

v.

ELSON S FLOYD COLLEGE OF
MEDICINE AT WASHINGTON
STATE UNIVERSITY,

Defendant.

No. 2:20-cv-00145-SMJ

**ORDER SETTING HEARING BY
VIDEOCONFERENCE**

In light of the ongoing public health crisis caused by the outbreak of the Coronavirus Disease 2019 (COVID-19) and the current status of Benton and Yakima Counties in the phased Safe Start plan announced by Washington Governor Jay Inslee, the Court has determined it is in interests of justice to conduct the following motion hearings in this matter remotely: Defendant's First Motion for Judgment on the Pleadings, ECF No. 31, and Defendant's Second Motion for Judgment on the Pleadings, ECF No. 41. As such, consistent with Eastern District of Washington General Orders 20-101-3 and 2021-1, the in person hearing on Defendant's First Motion for Judgment on the Pleadings, **ECF No. 31**, and

1 Defendant's Second Motion for Judgment on the Pleadings, **ECF No. 41**, currently
2 set for February 9, 2021 and February 11, 2021 are **STRICKEN** and **RESET** to
3 **February 9, 2021 at 10:30 A.M. by videoconference** from Richland Courtroom
4 189 before Judge Salvador Mendoza, Jr.

5 **ALL PARTIES MUST READ THE FOLLOWING INFORMATION**
6 **CAREFULLY, AS IT PROVIDES IMPORTANT GUIDANCE**
7 **CONCERNING THE MANNER IN WHICH THE HEARING IS TO BE**
8 **CONDUCTED.**

9 **A. Hearing Information**

10 **Hearing content provided via videoconference access MUST NOT be**
11 **recorded or rebroadcast.** *Non-parties* may call the Court's public conference line
12 at **1-888-808-6929**, Access code **3648461** (no security code required), five minutes
13 before the scheduled conference time. *Case participants will be provided with*
14 *separate call-in details by private email from the Court's staff to use for this*
15 *videoconference.*

16 **B. Exhibits**

17 Any party intending to present exhibits at the hearing shall ensure the exhibits
18 are digitized in a manner compatible with remote presentation. Specifically, counsel
19 shall compile all documents into a **single, combined PDF file** and ensure each page
20 within the document is consecutively numbered.

1 In civil cases, the Plaintiff(s) shall consecutively number exhibits from 1
2 through 499 and Defendant(s) shall consecutively number exhibits from 500
3 through 999. In criminal cases, the Government shall consecutively number exhibits
4 from 1 through 999. In single-defendant criminal cases, Defendant shall
5 consecutively number exhibits from 1000 through 1999; in multi-defendant
6 criminal cases, Defendants shall consecutively number exhibits from x000 to x999,
7 substituting “x” for each Defendant’s assigned case identifier (e.g., Defendant 3
8 would number exhibits from 3000 to 3999, etc.).

9 Any exhibit not compatible with the PDF file format (e.g., an audio or video
10 file) must be presented in a readily accessible file format using software commonly
11 available (e.g., .mp4 for video files, and .mp3 for audio files). Each non-PDF file
12 must be clearly identified by its file name. The Government shall name each such
13 file “Government xxxx,” substituting “xxxx” with the number that follows the
14 number assigned to the last exhibit in the combined PDF file. The Plaintiff shall
15 name each such file “Plaintiff xxxx” with “xxxx” replaced by the number following
16 the number assigned to the final exhibit in the combined PDF file. The Defendant
17 shall name each such file “Defendant xxxx,” substituting “xxxx” with the number
18 following the number assigned to the last exhibit in the combined PDF file.

19 Each party shall also submit a list of exhibits the party intends to introduce at
20 the hearing. The parties shall provide their exhibit list in the following format:

Ex. #	Admitted	Description
1		Photograph of items seized
2		Aerial video surveillance from 1/1/2011. Start Time: 01:03:23 End Time: 01:09:54

Exhibit lists shall include a unique exhibit number and a brief description of the exhibit. For all exhibits consisting of an audio or video file, the exhibit list must designate the precise beginning and ending time indexes of the portion of the file the party intends to use at the hearing.

EACH PARTY'S DIGITIZED EXHIBITS AND EXHIBIT LIST SHALL BE PROVIDED ELECTRONICALLY TO (1) ALL OTHER PARTIES, (2) ANY WITNESS WITH WHOM THE PARTY ANTICIPATES USING THE EXHIBIT, AND (3) THE COURT BY EMAIL TO MendozaOrders@waed.uscourts.gov BY NO LATER THAN SEVENTY-TWO (72) HOURS PRIOR TO THE SCHEDULED HEARING.

Parties experiencing technical difficulties with digitizing exhibits or electronically delivering them as described above may contact the Court's help desk by email at HelpDesk@waed.uscourts.gov or by phone at (509) 458-3421.

C. Witnesses

Any party intending to present the testimony of a witness, including that of a party, shall be responsible for arranging the witness's access to the technology necessary to present their testimony (i.e., a suitable computer with high-speed

1 internet connection, video camera, and microphone) in coordination with the
2 District's IT professional. To ensure the Court and its staff have adequate
3 opportunity to prepare for the hearing, any party wishing to present the testimony
4 of a witness at the hearing shall so notify the courtroom deputy, and contact the
5 Court's help desk by email at HelpDesk@waed.uscourts.gov or by phone at
6 (509) 458-3421, by **no later than seven days** prior to the scheduled hearing.

7 Also, by **no later than seven days** prior to the scheduled hearing, each party
8 shall file and serve a list of witnesses that party intends to call to testify at the
9 hearing. In criminal matters, the witness list must identify the existence, but need
10 not include the name, of any confidential informant the Government intends to call
11 to testify. Each party shall email copies of their witness list to the Court at
12 MendozaOrders@waed.uscourts.gov.

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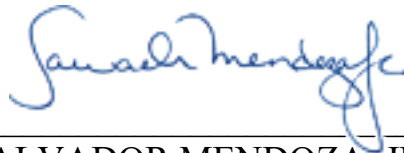
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1 **D. Sealed Hearings**

2 Any party who anticipates requesting to seal all or part of any hearing shall
3 so notify the courtroom deputy by **no later than seven days** prior to the scheduled
4 hearing.

5 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
6 provide copies to all counsel.

7 **DATED** this 21st day of January 2021.

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10 SALVADOR MENDOZA, JR.
United States District Judge